

REMARKS

Restriction to one of the following groups was required under 35 U.S.C. 121 and 372:

- Group I: claim(s) 1-6, drawn to an isolated nucleic acid molecule comprising a sequence of nucleotides encoding or complementary to a sequence encoding a mammalian transcription factor comprising an amino acid sequence having at least 75% identity to SEQ ID NO: 8 or SEQ ID NO: 16.
- Group II: claim(s) 7-10, 16, drawn to a pharmaceutical composition for the treatment of a genetic or physiological disorder comprising: an isolated nucleic acid molecule comprising a sequence of nucleotides encoding or complementary to a sequence encoding a mammalian homolog of *Drosophila* grh wherein the nucleic acid molecule encodes a transcription factor selected from a panel of nucleic acid sequences.
- Group III: claim(s) 11, drawn to a method of identifying a nucleotide sequence likely to encode a M-GRH transcription factor, said method comprising: interrogating a mammalian genome database conceptually translated into different reading frames with an amino acid sequence defining *Drosophila* GRH or any one of the sequences selected.
- Group IV: claim(s) 12, drawn to a method for treating spinabifida or other physiological or genetic disorders in a patient comprising administering to said patient an isolated mammalian transcription factor which is a selected homolog of *Drosophila* grainyhead (GRH).
- Group V: claim(s) 13, drawn to a method for detecting an embryo with a propensity to develop spinabifida said method comprising contacting said embryo or a cell thereof with agents capable of detecting the level of expression of a selected transcription factor.
- Group VI: claim(s) 14-15, drawn to an animal model comprising a genetically modified animal comprising a nucleotide insertion, deletion, and/or substitution in a nucleic acid molecule comprising a nucleotide sequence

having at least 75% identity after optimal alignment to one or more of the selected polynucleotide.

Group VII: claim(s) 17-19, drawn to an isolated polypeptide comprising an amino acid sequence having at least 60% identity to SEQ ID NO: 8 or SEQ ID NO: 16 after optimal alignment.

Group VIII: claim(s) 20, drawn to a Pharmaceutical composition for the treatment of a patient with a genetic or physiological disorder, comprising the isolated polypeptide, wherein the isolated polypeptide comprising an amino acid sequence having at least 60% identity to SEQ ID NO: 8 or SEQ ID NO: 16 after optimal alignment.

Group IX: claim(s) 21, drawn to a method of treating spinabifida or other physiological or genetic disorders in a patient, comprising: administering to said patient the isolated polypeptide, wherein the isolated polypeptide comprising an amino acid sequence having at least 60% identity to SEQ ID NO: 8 or SEQ ID NO: 16 after optimal alignment.

Election in Response to Restriction Requirement

In response to the restriction requirement, Applicant elects Group I, that is claims 1-6, drawn to an isolated nucleic acid molecule comprising a sequence of nucleotides encoding or complementary to a sequence encoding a mammalian transcription factor comprising an amino acid sequence having at least 75% identity to SEQ ID NO: 8 or SEQ ID NO: 16.

Claims 7, 12 and 16 have been amended and retained as withdrawn claims that are eligible for rejoinder under the provisions of MPEP 821.04 upon the allowance of Claim 1. Claims 8-11, 13-15 and 17-21 have been canceled solely as being directed to non-elected inventions. Applicants reserve full rights to pursue the subject matter of these canceled claims, as well as the original scope of the amended and withdrawn claims in related applications.


CONCLUSION

No additional excess claims fees are believed due. However, enclosed is a check in the amount of \$1080 to cover the fee under 37 C.F.R. § 1.17(a)(5) for the required five-month extension of time for responding to the present communication from the USPTO. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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